



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 10, 2021

**BY ECF**

MEMORANDUM ENDORSEMENT

Hon. Kevin N. Fox  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *Camacho v. Commissioner of Social Security*, No. 20 Civ. 8304 (KPF) (KNF)**

Dear Judge Fox:

This Office represents the Commissioner of Social Security (the “Commissioner”), the defendant in the above-referenced action, which the plaintiff brought pursuant to 42 U.S.C. § 405(g) seeking judicial review of the Commissioner’s decision to deny his application for Social Security disability benefits.

I respectfully write to request, with the plaintiff’s consent, a 60-day extension, *nunc pro tunc*, of the time for the Commissioner to file the certified administrative record in this case, from February 5, 2021, to April 6, 2021. The Court previously extended the Commissioner’s deadline to file the certified administrative record from January 21, 2021, to February 5, 2021 (Dkt. No. 11), and I apologize to the Court and the plaintiff for the oversight and delay in requesting this extension. The extension is needed because the preparation of this record has been delayed by the impact of the COVID-19 pandemic.

The COVID-19 pandemic has significantly impacted the operations of the Social Security Administration (“SSA”) and its Office of Appellate Operations (“OAO”) and materially affected its ability to prepare certified administrative records and to obtain transcriptions of hearing recordings from private contractors. As described in the attached Declaration of Jebby Rasputnis, dated December 4, 2020, prior to the COVID-19 pandemic, SSA staff worked to prepare certified administrative records at an office located in Falls Church, Virginia, with the support of three contracted transcription-typing services. (Rasputnis Decl. ¶ 2.) Beginning in mid-March 2020, the SSA restricted physical access to its buildings, including its Falls Church office, and kept its employees on maximum telework to protect the health and safety of its employees. (Rasputnis Decl. ¶ 3.) The SSA had to redesign its business processes to allow for a mostly virtual record preparation process, including by modifying and testing technology, retraining staff, and modifying blanket purchasing agreements with the transcription-typing services the SSA relies on to prepare transcripts of agency hearings. (Rasputnis Decl. ¶ 3.) In September 2020, the SSA was able to complete contracts with two additional transcription-typing service contractors, in addition to training in-house staff to complete transcriptions, hiring new staff on an expedited basis, and transferring staff to assist with the workload. (Rasputnis

Decl. ¶¶ 4-5.) The SSA is now producing certified administrative records at its pre-pandemic levels. (Rasputnis Decl. ¶ 7.)

Despite these efforts, a significant backlog of cases has developed due to the logistical difficulties caused by the pandemic combined with a significant increase in the number of new complaints filed against the SSA in district courts. (Rasputnis Decl. ¶ 7.) The SSA continues to focus its efforts on processing records for the most aged cases, has improved the overall time frame for delivering a record in any individual case, and continues to work on increasing productivity to the best of its ability. (Rasputnis Decl. ¶¶ 9-10.) However, the SSA remains subject to some constraints that are outside of its control. (Rasputnis Decl. ¶¶ 9-10.)

As a result, I respectfully request that the Court grant the Commissioner's request for a 60-day extension of time to file the certified administrative record in this case. I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS  
United States Attorney

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*Plaintiff Pro Se*

2/11/21

Application Granted.

The defendant shall serve a copy of this  
Memorandum Endorsement on the plaintiff and file  
proof of service.

SO ORDERED:



Kevin Nathaniel Fox, U.S.M.J.